



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

SPW
CAT
2828

MAY 19 2004

In re the Application of: SHIMOYAMA et al.

Group Art Unit: 2828

Serial Number: 09/511,188

Examiner: Delma R. Flores Ruiz

Filed: February 23, 2000

PTO Confirmation No.: 4217

For: SEMICONDUCTOR OPTICAL DEVICE APPARATUS

Attorney Docket No.: 000202

Customer No.: 38834

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

May 19, 2004

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated November 19, 2003 of the Primary Examiner.

The item(s) checked below are appropriate:

1. A petition for a one month extension of time to respond to the Final Rejection is filed herewith.
2. A timely response to the Final Rejection has been filed, as provided in 37 C.F.R. 1.113.
3. Fee \$330.00 or Small Entity -\$165.00

Enclosed
 Not required (fee paid in prior appeal)
 Charge to Deposit Account No. 50-2866

In the event this Notice of Appeal is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this Notice.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

05/20/2004 MGEBRM1 00000062 09511188

01 FC:1401

330.00 0P

By:

Joseph L. Felber
Reg. No.: 48,109
Attorney for Applicants
Tel: (202) 822-1100
Fax: (202) 822-1111

Attachments: Fee - \$330.00

JLF/meu

Q:\2001\010797\Notice of Appeal due 4-15-04